

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3618 OF 2006

IN

SUIT NO. 3853 OF 2002

MRS. TARLA MORJARIA & ORS. . . PLAINTIFFS

V/S

BIPIN H. SHAH & ANR. . . DEFENDANTS

S. JAIN I/B A.G. SHAH FOR THE PLAINTIFFS TO SHOW  
CAUSE.

C.S. BALSARA I/B RUSTOMJI & GINAWALA FOR  
DEFENDANTS IN SUPPORT OF NOTICE OF MOTION.

CORAM : S.K. SHAH, J.

DATE : 15TH NOVEMBER, 2006.

P.C.

1. Heard learned counsel on both sides. So far as using of the toilet by the defendant is concerned, learned counsel for the plaintiffs has made it clear that use of the toilet by the defendants is not in dispute as also the plaintiff shall not disturb the use of the same. It is clarified that the toilet is not the part of the suit premises which is marked in red in the sketch annexed to the plaint. So far as the

passage is concerned the defendants agree that they shall remove whatever is placed in the passage.

2. So far as the installation of the dish antenna is concerned it is already installed. The objection from the plaintiff is that it damages the structural stability of the wall. In this regard it is directed that the Receiver shall visit the place and see the installation of the dish antenna and satisfy himself whether it affects the stability of the wall. If it is properly installed as stated by the defendants the same shall continue to remain. If not, it shall be shifted suitably so as not to affect stability of wall. So far as the prayer clause (d) of the Notice of Motion is concerned, it is rejected as there is already door providing sufficient safety.

3. With this nothing survives in the Notice of Motion. The Notice of Motion stands disposed of.

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(S.K. SHAH, J.)